

SUMMARY MINUTES

BUILDING ADVISORY BOARD
P.M.
ROOM 107, CITY-COUNTY BUILDING

TUESDAY – DECEMBER 12, 2006 – 4:00

Members Present: Bob Haworth, Les Appleby, Dallas Bruhl, Bob Dolan, Kenny Hancock, Rick Walters

Members Absent: Vernie Stillings, Jim Manley, Steve Barnett

Staff Present: Mike Roberts, Sue Cline

Audience Count: 5

Meeting was called to order by Bob Haworth, Chairman, at 4:08 p.m.

(A) Approval of October 10, 2006 minutes

MOTION: Kenny Hancock moved to approve minutes as written

SECOND: Dallas Bruhl seconded the motion

DISCUSSION: None

VOTE: 6-0 – motion carried

(B) Continued from last meeting: Appeal by Mark Augustine, Triplett Inc.
regarding the request to amend the requirements of IBC sections 406.2.6 with regard to paving requirements for open parking garages.

Mike Roberts presented a summary review of the staff report for this agenda item and also reported on what other communities are doing regarding this issue. (see staff report) Mike reminded the board to review the four bulleted questions that are included in the November 14, 2006 minutes. Those questions need to be answered by the board and will guide them in making a decision regarding this appeal.

Bob Haworth – Are there any questions of staff by the board? Are there any public comments?

Bob Haworth – Asked for clarification of the definition of an open structure.

Mike Roberts – said that the building code defines an open structure as a structure that has to be open on at least two sides and those openings have to be a certain percentage of the wall area of the two walls. If you want to limit this to buildings that are only open on one side we'll have to tweak the wording.

Kenny Hancock – Is the Fire Marshal concerned about ventilation to keep build up of combustible gases to a minimum?

Mike Roberts – Yes, and I would also add that the Fire Marshal was pretty much in agreement – that was a point that Mr. Triplett had made – in this instance an evidence in favor of creating this amendment by virtue of the fact that they were going to have the side walls open to create that ventilation and remove the possibility of build up of combustible vapors as opposed to being in a completely enclosed building.

Kenny Hancock – I guess I didn't remember that the side walls were going to be only part way down – is that what I'm hearing?

Mike Roberts – In this specific application that Mr. Triplett is applying for – the side walls would be at least three feet up off the ground for flow through, because this is being built in a flood fringe area

Kenny Hancock – Okay. I think that takes care of ventilation in his case. In general ventilation you could also do it by putting ventilators in the roof structure or leave a percentage open at the top to allow cross ventilation, it wouldn't have to be at the bottom. Anything that would allow cross ventilation would generally work. If we were going to allow the exception and make it be ventilated by non-mechanical means.

Bob Haworth – And combustible versus non-combustible and again when we were reviewing that – a lot of times these are pole barns and obviously that has to be considered in what we are going to allow or not allow towards that. You could call it a pole barn, that's what it is; a lot of them.

Kenny Hancock – Not always but that's certainly one of them.

Mike Roberts – It would be easier to craft this exception if we were trying to plug it in as an exception to the flooring requirements for open parking garages. Open parking garages in the building code are defined as those buildings that have openings on at least two sides. If the board wants to create this exception – that they only have to be open on one side then it's basically creating an exception for an enclosed parking structure because by the very definition it wouldn't meet the definition of an open parking structure.

Bob Haworth – Are there any other questions that the board has on this matter?

Dallas Bruhl – I am looking at the list of other cities and it appears to me that each of them is requiring that these structures be paved, so there must be a good reason for that.

Kenny Hancock - Well I think it does say that here, but it does say that Sedgwick County would probably support this amendment. My perspective is that since we do allow vehicles to be parked on a non-paved surface sitting outside – is that correct?

Mike Roberts – On some zoning lots.

Kenny Hancock – It doesn't have to be an RV, or a boat - it can actually be a vehicle can't it not?

Mike Roberts – Yes, it can.

Kenny Hancock – And technically a person could go there every day – get that vehicle – use it and then park it there again that night – right?

Mike Roberts – That is correct.

Kenny Hancock – From a contamination standpoint, which I know is only part of this issue – I don't see how that's any different than a structure that takes it one step further and puts a roof over it and has an opening in the front. From a contamination standpoint it is actually probably safer, because outside rain tends to be the transport agent that drives contaminations down into the soil and into groundwater deeper. In the absence of a transport agent like that most contaminants will be in Situ in the soil or they will self biodegrade if they're hydrocarbon types – oils, fuels, things like that. So, honestly from an outside storage standpoint versus covered storage, both not having pavement, the one with the cover is a little safer. I personally am in favor of allowing this. I think it should be pretty restrictive and only for facilities that are used exclusively for storage and I guess we would have to identify what that term means. I don't think it should be allowed for parking garages, maintenance facilities, any kind of an active facility where anyone is going to come and go on a daily basis. I know we can't monitor that, but in general I think it should be exclusively for a storage type operation. I happened to be traveling last week and was in Albuquerque and I saw a couple of facilities just like this and they had gravel on them.

Bob Haworth – Kenny would you like to cover other subjects, since you are familiar with this and are talking about that; perhaps concerning size. I know we discussed that in the last meeting also.

Kenny Hancock – I am less convicted on what the size restriction should be, quite frankly.

Bob Haworth – Okay.

Mike Roberts – Perhaps as a point of discussion as the board moves through these things – the question that maybe should be asked first of all....Should there be a size limitation? If you're not convicted or convinced....if the board agrees that there should be a size consideration then you could move on to the next question about what that should be. But if there is not a consensus among the board on whether there needs to be a size limitation you could move on to the next question.

Kenny Hancock – I can't speak professionally to this. That would be one question that would be nice to have the Fire Marshal here to see if he has any size limitation issues with it. A fire is a fire, but a fire in a small building versus a larger building; I don't know

how that affects them. If they had RVs or boats in it and it is completely full, I don't know if a small building is any worse or better in a fire than a larger building.

Dallas Bruhl – I would agree with that. I would be much more comfortable having the Fire Marshal available to answer questions about that – in regard to the fuel, campers with propane cylinders in them – that concerns me a little bit.

Kenny Hancock – Well, and propane – actually it settles down – it's heavier than air, so it is going to tend to settle at the ground. As long as there is ventilation, even natural ventilation, it's probably going to dissipate reasonably well. But I do think that there should be some sort of a ventilation provision – whatever we agree to, if anything.

Mike Roberts – Once again, I hate to belabor the issue, but as you have already mentioned – you are in support of some language that supports cross ventilation requirement. The building code recognizes that by saying that an open parking structure has to be open on at least two sides and if the board is satisfied that some sort of cross ventilation should be required then I would suggest as staff that as long as it meets the building code definitions of an open parking structure then that should be ample to provide the cross ventilation requirements that the board is concerned about. That doesn't mean that it has to be completely open on two sides, it just means that there has to be a certain percentage of openings in two of the walls to qualify as being open. That would pretty much satisfy the requirement for cross ventilation in that regard.

Kenny Hancock – I agree with that. You were using the term parking structure and I was specifically excluding parking, depending on how we define it. I don't think it should be allowed in a true parking structure where someone is going to go on a daily basis and park their cars. That should be a paved surface. But for storage I think this is what I am considering a reasonable request.

Mike Roberts – Then I would suggest that we need to craft a new definition because the definition of parking structure in the building code includes storage and parking.

Kenny Hancock – Does it?

Mike Roberts – Yes, it does. So if you're going to craft this as a completely different critter, if you will, then we need to create a new definition for RV, covered storage or whatever that would be and then define what that is.

Bob Haworth – Storage is different.

Kenny Hancock – It is. That's what I'm saying....storage is notably different than a parking garage or parking structure. Storage means storage and I know that does not always mean that they are not ever going to come and drive these vehicles or move them or whatever but a parking facility implies regular use and a storage facility implies non-regular use. Whether or not in fact that is how it actually happens is another story, perhaps.

Bob Haworth – The best way to do this for the applicant is to look at how we are going to re-write this whole thing versus just looking at their issue and then re-writing it in the future. I think that is basically the way the board wants to take it, I believe. Maybe we need to give staff a recommendation.

Mike Roberts – Could you re-state what you just said?

Bob Haworth – We would have to give you a recommendation on how this could be written. If the board is leaning a certain direction we might want you to draft something that would address all four of these issues and then at next month's meeting we could formulate the final version of it and we would have the Fire Marshal here and he could answer our questions about the size, etc. and approve it or deny it at that point. Is that what's being said here? We need to give staff direction. It's just a suggestion.

Kenny Hancock – I have a question for the applicant. The reason you would build a structure with a roof over it versus letting them park in the open, which they can do right now, what's the advantage to your customers – why do they want a roof over their vehicles?

Larry Triplett, Triplett Inc. – I think that one of the most damaging components of parking outside is the sun and the damage that it does to tires, windshield wipers, paint finishes, materials inside the motor homes. I think our customers are looking for protection from the sun. I guess if I could make a suggestion...you're fighting with something here. If two sides were completely open – probably a motor home from both directions would be applicable – probably a motor home of 45' probably takes care of about 98% of them. So if I was fighting from your side and trying to define – I'd say if you had two sides completely open that I would probably allow enough for one to come in from either side, because in a fire situation you could fight it from either side and see what you are fighting. If it wasn't open on two sides completely then I think I would probably limit it to one bed, that being 45' to 50' what you would think, but I think 45 feet probably takes care of 98%.

Kenny Hancock – You're saying enough to allow one vehicle to park, versus two if it was open on two ends?

Larry Triplett – That's correct. I don't know that I would restrict it to two vehicles. There are some storage customers that will have a camper on a pick up with a boat behind it, so I don't know if restricting to two vehicles would be correct – I think it's depth that I am looking at more than anything else and at 45' feet, firefighters can do a reasonably good job. If they can get in from both sides, that can be doubled. If he can't get in from both sides, then that's the way that I would write a restriction, but that's just my idea.

Kenny Hancock - What about the combustible versus non-combustible structure?

Larry Triplett – I guess if you see that as being important then a non-combustible structure probably has validity but that's pretty small. Once a fire gets going to a point the structure itself is going to be compromised almost no matter what it's made of if it

really gets to going. I would say that would have to be your judgment. I don't think I would be concerned with it if I was on your side of the table, because I think it would take one heck of a good fire in an open building to get the structure itself lit up.

Bob Haworth – Thank you. Would someone like to state a resolution for direction to the staff?

Mike Roberts – I might suggest – are you asking for a global motion on this or are you suggesting that you take it one item at a time on these four issues?

Bob Haworth – I don't know, without the Fire Marshal here, if everyone is ready to actually vote on the issue.

Warren Ediger – Applicant's Architect – I have been working with them on this particular project and helping to define it a little bit. I guess – what I'd like to suggest as a starting point is the definition of the entity that we are talking about. Mike is fond of saying when you get too difficult of a definition you may not be able to come up with a definition, but you'll know it when you see it. I think Mr. Hancock is right – that most of us would say that this is not a parking garage, as such. I would start with the premise that this is a storage facility of some kind and define it in terms that would limit it to a certain type of vehicle, a certain type of use, and maybe some kind of frequency of use and take it out of the category where it doesn't seem to fit in the parking structures or in general storage. Then, once you have that definition you could begin to talk to the Fire Marshal about these specific activities going on in these buildings and what we would have to do develop some level of safety and fire protection. I think that's going to help give you some direction and some answers about how open these should be, the ventilation and the type of building.

Bob Haworth – I agree.

Mike Roberts – Building on Mr. Ediger's proposal – staff has no problem attempting to draft a definition as a starting point. He makes a very good question, because I wasn't quite sure as I indicated earlier in my summation of last month's meeting regarding the board's comfort level about what kind of motor vehicles could be stored in this type of a storage facility. There seemed to be some belief that maybe it was okay to store an antique car in there but was it something where you could just store.....so I guess if staff had some direction at least on that, from the board, about what you felt or from the audience – what they felt was reasonable to define as storage in that kind of a use, then I would certainly be willing to make an attempt to draft the language so that it would fit in and be consistent with the IBC.

Kenny Hancock - I think it should state that they are, not necessarily motor vehicles, but any kind of a vehicle, including boats. I think we should probably state recreational vehicles, boats, maybe antique cars – anything that we think would fit in that category. I think it ought to have some language in there that talks about the vehicle being readily moveable. If there's a fire going on and the motor doesn't run but a fireman could hook on to it with a chain it is on wheels. What I was trying to do is to keep someone from

putting something in there that would be off the wheels and could not possibly be moved – or maybe storing boxes in there, but I don't think anyone would do that in an essentially open storage area, but you never know. I don't think that's what I would be comfortable approving, so I think we should certainly be sure that we have language that doesn't allow that.

Bob Haworth – Again the size and combustible versus non-combustible comes back to the Fire Marshal for his input on safety issues. We would like to have information on what the Fire Marshal's concerns might be.

Kenny Hancock – I think it's easy for us to be very conservative and say that it has to be non-combustible and I would support that if that was the deciding factor. But, residential garages are not non-combustible so I'm not sure that that's really much of an issue in my mind. I feel strongly enough about this proposal that I suppose I would agree to a combustible requirement if that's what it took.

Bob Haworth – And again, defining openness for cross ventilation as you said that could be on the top or the bottom. I don't think it should be limited to full open all the way through.

Kenny Hancock – I agree and probably we should draft some language about percentage of the open area of the side walls. The code already has some of that language in it doesn't it?

Mike Roberts – It does and that's what I was trying to point out previously. In the definition of open it talks about being open on at least two sides and it prescribes the minimum percentage of opening in those two walls to meet that definition.

Bob Haworth – If we had a separate category though that we're trying to establish that would have to be put into this, because this would be a separate category.

Mike Roberts – Agreed.

Bob Haworth – Is that the point?

Kenny Hancock – I think so.

Bob Haworth – I think we've talked about the points. Okay, the board has heard a direction for staff to draft some language. I don't think that has to be a motion, since everyone is nodding their heads yes I will take that as a yes, that the board wishes for staff to draft language and bring it back to the meeting in January, which is Jan. 9, 2007.

Bob Dolan – What does this do in delaying the process that they are already in? Are we hindering more than helping? Are we pushing you back more by pushing this back another month? I understand the applicant has a lot of time and effort in this thing and although we should be careful about what we are doing we should not stand in the way of their project.

Bob Haworth – What we could do is – I don't know if the Fire Marshal could provide any written information to our question or not.

(inaudible comments from audience)

Bob Dolan – What I understand is that there are ventilation requirements regardless of the size of the building...

Bob Haworth – What I was saying is that if we could get a written response from the Fire Marshal before the next meeting so we could hopefully make a final decision and not forward this issue to yet another meeting because we're not getting all of the answers we need.

Mike Roberts – I am hopeful that he should be here for the January 9th meeting. He is doing some work from home...

Bob Haworth – It would be nice to have something in advance for the board's consideration, so if there are additional questions that the board members they could be answered before the next meeting.

Kenny Hancock – If he can't be here could someone else be here to represent him?

Mike Roberts – We could certainly try to make that happen.

Bob Haworth – Let's do that.

Mike Roberts – I'm building on Mr. Hancock's comments earlier – suggestions of a definition. If this list were to include motorized RVs, boats, construction equipment excluding trucks and I am anticipating that would be tractors, bobcats, crawlers, excavators – this like that; antique motor vehicles not including commercial trucks of buses.... Is that enough of a inclusive list or are there other types of things that you could anticipate would or should be included.

Bob Haworth – There are recreational buses, like the K-State buses and they need to park them somewhere, so we've got to be careful on that.

Mark Augustine – Let me give you some idea of what people are storing today. Fifth wheels, boats, motor homes, construction trailers, pick up trucks, some cars. Everything that's in one of these units is moveable...has wheels, but most of it is recreational stuff, but not limited to just recreational vehicles although that is the primary use.

Mike Roberts – Are the cars that are stored in there – are those like vintage automobiles?

Mark Augustine – Typically not – they are vehicles that people come and get from time to time.

Mike Roberts – They just don't have room for them at home?

Mark Augustine – Right.

Kenny Hancock – When you say time to time – I think we should really have a restriction that these would not be parking structures, but would rather be storage and I think we need to define what storage means. Is it 72 hours or more than that – I think we need to come up with a number.

Bob Haworth- You are a designated storage facility – right?

Mark Augustine – Correct. The type of facility we're talking about would be to store things that you typically see on the road. They're not items in there that aren't moveable at all. Things you see going up and down the street is what you would find in one of these covered buildings that we have. We call them covered RV buildings, because that is the primary market that we are going after.

Warren Ediger – I would suggest that instead of coming up with an inclusive list, that you try an exclusive list and exclude tankers or something that have an inordinate amount of fuel associated with it, rather than trying to think of all the types of vehicles that might be included and possibly missing one. Let's think about those that pose a higher risk, like a tanker, or something that store a large amount of fuel.

Kenny Hancock - And not just a tank truck but even a tank trailer.

Warren Ediger – That might be something that the Fire Marshal might want to limit – based on some sort of volume restriction.

Bob Haworth - Does this give staff enough information?

Mike Roberts – We will try.

Bob Haworth – If there is any information that we would give the board members before the next meeting, would you give that to the applicant also?

Larry Triplett – spoke from the audience – inaudible...

Bob Haworth – The question was would it be good to pass on part of this based on what the Fire Marshal's situation is. What I understand is that basically we would like to get this written up properly. We are headed into winter, so there will probably not be much construction going on ...

Mike Roberts – Mr. Chairman, I might suggest – I know what Mr. Triplett is asking for and it is similar to what the City Commission did last night. There is a construction

project here in town that is on hold under the City Commission agrees to extend utilities out at the airport and that is still several weeks out and the client is wanting some assurance even though they don't have the feasibility study done yet that the city is in fact going to approve that 12 6a project when it comes before them. I might suggest – I think we've had general consensus from this group that there is an agreement to create a recommendation for a local amendment. I am going to step back here on what I started to say- Mr. Triplett I am afraid that this board is not a legislative board but is rather a board that can make recommendations to the City Commission regarding amendments to the code. I started to suggest that they make a recommendation verifying that it their intent to create a local amendment to provide for your application, but there is no assurance or guarantee that the City Commission is going to accept whatever recommendation that this board might have.

Bob Haworth – You've been given direction (addressing Mike Roberts) to try to get information to the board members and the applicant. Then if there are any further questions from the board members or from the applicant those could be addressed back to you and then we could be prepared to make a decision at the next meeting. With that in mind, that's the end of the discussion on this agenda item.

(C) Review of the proposed letter that the board is going to submit to the City Commission prior to their consideration of the contractor licensing proposal.

Board members reviewed the draft letter. The board members made some specific edits and some other minor corrections. Bob Haworth will make final revisions and then will submit the letter to the City Commissioners.

(D) Other Business

Mike Roberts announced that a year end report will be presented at the January meeting. Mike also reported that the PME meeting was held last week and a good discussion and feedback took place regarding changes to the electrical code.

No other business -

MOTION TO ADJOURN: Mr. Haworth adjourned the meeting directly at 5:05 p.m.

Michael Roberts